

December 13, 2012

## LAKE COUNTY COMMISSIONERS' MEETING MINUTES

RAYMOND E. SINES, PRESIDENT  
DANIEL P. TROY, COMMISSIONER  
ROBERT E. AUFULDISH, COMMISSIONER  
AMY ELSZASZ, CLERK

JASON W. BOYD, COUNTY ADMINISTRATOR  
LEGAL COUNSEL  
JOEL DIMARE, BUDGET DIRECTOR  
NEWS MEDIA

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(Tape 2012-1213)

CALL TO ORDER: Commissioner Sines called the meeting to order at 10:10 am, Thursday, December 13, 2012.

ROLL CALL: Upon the roll being called all were present.

APPROVAL OF MINUTES: None

OPEN TO THE PUBLIC: Commissioner Sines asked if anyone in the audience wished to address the Board.

- The Commissioners and Matt Battiato, Job and Family Services Director recognized Ann Champion for 30 years of service to the county and wished her well on her retirement.

### RESOLUTIONS:

1. RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT BETWEEN THE LAKE COUNTY BOARD OF COMMISSIONERS ON BEHALF OF THE LAKE COUNTY ENGINEER AND BURGESS & NIPLE FOR PREPARATION OF CONSTRUCTION PLANS AND SPECIFICATIONS FOR RECONSTRUCTION OF VROOMAN ROAD (PID #85131), LEROY TOWNSHIP, OHIO, IN AN AMOUNT NOT TO EXCEED \$330,000.00 (20121213\E01) (E-3)

Commissioner Sines: How much do we have in this project so far?

Alan Exley, Engineer's Office: In this roadway section?

Commissioner Sines: Right.

Mr. Exley: The environmental is actually being performed as part of the project. So, to be able to divide it out into an exact cost would be difficult. So far we really don't have money in the roadway portion itself at this point.

Commissioner Sines: My estimation is about \$500,000 so far. And, is this \$330,000 for approaches?

Mr. Exley: This is for the roadway that will extend from the Rt. 90 overpass improvement that the state is doing all the way to the proposed new bridge location.

Commissioner Sines: Do you think it is premature to do this before you make plans for the bridge?

Mr. Exley: Not at all Commissioner. In fact, O.D.O.T. requests that we coordinate these efforts, so that we can get the bridge and possibly construct the roadway under one contract.

Commissioner Sines: The environmental is not done yet. What happens if you find a problem with the environmental and the bridge can't be placed in the proposed location? \$330,000 will be wasted.

Mr. Exley: We won't be wasting the money, it will be worked along with the environmental under O.D.O.T.'s new project development process. O.D.O.T. is requesting that some parts of the design process are initiated in order to finalize the environmental documentation. The environmental assessment is due to go to federal highway the first part of January.

Commissioner Troy: This really does not have anything to do with the bridge. At the November 8, 2012 meeting we approved a modification for \$1.6 million, and I asked Engineer Gills if this was the final design specification before going out for bids. Mr. Gills indicated that is correct, this is the last step before physical construction.

Commissioner Troy: We are done passing any resolutions for engineering of the actual bridge. This particular authorization is for the roadway approach where the new bridge will be located and the I-90 Vrooman Road interchange. Is that correct?

Mr. Exley: That is correct.

Commissioner Troy: This is a significant amount for engineering. I would assume that it is projected there will be a considerable alteration of the configuration of that road.

Mr. Exley: The alignment will be very minor. There will be some profile changes for sight distances and safety. There will be some significant drainage improvements. The primary thing associated with the environmental document is that for the most part we will have to stay within the existing right-a-way. We will have to do additional enclosing of ditches and some other things in order to avoid going to the east and the park properties where some residents have some concerns. That is adding some additional costs.

Commissioner Troy: After the design and specifications are prepared, where are the dollars for the Vrooman Road Bridge south to the I-90 interchange?

Mr. Exley: 80% funding for the roadway itself is through the County Engineer's Association and the 20% will be through the local auto, license and gasoline taxes.

Commissioner Troy: So, that mile long stretch of reconstruction is 80% paid for by CEAO and 20% local share?

Mr. Exley: That is correct.

Mr. Aufuldish: Since you will be closing up ditches, will you be working with our Stormwater Department?

Mr. Exley: We do work closely with the Stormwater Department on all of the projects.

Commissioner Sines: What is the estimated cost of this entire project?

Mr. Exley: Right now we are at \$24 million.

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Commissioner Sines: I estimate that it will be at least \$35 million by the time it is all done. And, I will guarantee that you will have continued consultant fees. This project is a consultant's dream! In my estimation, we have probably put in \$3 million in consultant fees so far. And, this will continue to grow. And, at the end of the day, it is questionable if there is going to be money to do this project.

**On a motion** of Commissioner Aufuldish, seconded by Commissioner Troy, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Aufuldish and Troy "NAYS": Commissioner Sines

2. RESOLUTION AWARDING A BID CONTRACT TO FABRIZI TRUCKING & PAVING CO., INC. FOR EAST 332<sup>ND</sup>, ALVA, BARBARA, LOUIS WATERLINE REPLACEMENT PROJECT 330-W IN THE AMOUNT OF \$1,051,134 (20121213\U01) (UT-4)

**On a motion** of Commissioner Troy, seconded by Commissioner Aufuldish, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Aufuldish, Sines and Troy "NAYS": None

3. RESOLUTION APPROVING PLANS, SPECIFICATIONS AND ESTIMATES OF COST IN THE AMOUNT OF \$91,842.96 FOR REEDHURST FARMS NO. 2, JOB NO. 12-69, IN THE CITY OF MENTOR (20121213\U02) (UT-9)

**On a motion** of Commissioner Aufuldish, seconded by Commissioner Troy, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Aufuldish, Sines and Troy "NAYS": None

4. RESOLUTION APPROVING CHANGE ORDER NO. 1 WITH INFINITY PAVING COMPANY, INC. FOR STIRLING ROAD PAVEMENT REPAIR PROJECT NO. 337S, IN MADISON TOWNSHIP, INCREASING THE TOTAL CONTRACT AMOUNT BY \$478.40 (20121213\U03) (UT-4)

**On a motion** of Commissioner Troy, seconded by Commissioner Aufuldish, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Aufuldish, Sines and Troy "NAYS": None

5. RESOLUTION APPROVING CHANGE ORDER NO. 2 WITH NORTH BAY CONSTRUCTION, INC. FOR BACON ROAD WATER TREATMENT PLANT SEDIMENTATION AND FILTRATION SYSTEM, PROJECT NO. 309-W FOR THE LAKE COUNTY DEPARTMENT OF UTILITIES DECREASING THE TOTAL CONTRACT AMOUNT BY \$78,395.44 (20121213\U04) (UT-4)

**On a motion** of Commissioner Aufuldish, seconded by Commissioner Troy, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Aufuldish, Sines and Troy "NAYS": None

6. RESOLUTION APPROVING FINAL ESTIMATE NO. 15 IN THE AMOUNT OF \$116,485.36 WITH NORTH BAY CONSTRUCTION, INC. AND ACCEPTING A MAINTENANCE BOND IN THE AMOUNT OF \$2,833,738.66 FOR BACON ROAD WATER TREATMENT PLANT SEDIMENTATION AND FILTRATION SYSTEM PROJECT NO. 309-W (20121213\U05) (UT-4)

**On a motion** of Commissioner Troy, seconded by Commissioner Aufuldish, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Aufuldish, Sines and Troy "NAYS": None

7. RESOLUTION AUTHORIZING ADVERTISING FOR BIDS FOR LIMESTONE FOR THE LAKE COUNTY DEPARTMENT OF UTILITIES (Bid Opening: January 9, 2013) (20121213\U06) (UT-8)

**On a motion** of Commissioner Aufuldish, seconded by Commissioner Troy, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Aufuldish, Sines and Troy "NAYS": None

8. RESOLUTION TRANSFERRING APPROPRIATIONS FROM LCDU WATER DISTRICT SALARIES TO HOSPITALIZATION (20121213\U07) (UT-2)

**On a motion** of Commissioner Troy, seconded by Commissioner Aufuldish, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Aufuldish, Sines and Troy "NAYS": None

9. RESOLUTION TRANSFERRING APPROPRIATIONS FROM 218S BOND INTEREST TO 218S BOND PRINCIPAL AND TRANSFERRING CASH FROM VARIOUS LCDU SEWER DISTRICT TRANSFERS -OUT TO OWDA BOND RETIREMENT TRANSFERS-IN (20121213\U08) (UT-2)

Commissioner Aufuldish: Is this the final bond payment for the year?

Rick Martin, Utilities Director: Yes.

**On a motion** of Commissioner Aufuldish, seconded by Commissioner Troy, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Aufuldish, Sines and Troy "NAYS": None

10. RESOLUTION ACCEPTING THE RETIREMENT RESIGNATION OF DOUGLAS BRADLEY FROM HIS POSITION OF ASSISTANT SANITARY ENGINEER WITH THE LAKE COUNTY DEPARTMENT OF UTILITIES, EFFECTIVE DECEMBER 26, 2012 (20121213\U09) (UT-3)

**On a motion** of Commissioner Troy, seconded by Commissioner Aufuldish, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Aufuldish, Sines and Troy "NAYS": None

11. RESOLUTION CERTIFYING UNPAID SEWER AND WATER SUMS TO THE LAKE COUNTY AUDITOR (20121213\U10) (UT-7)

**On a motion** of Commissioner Aufuldish, seconded by Commissioner Troy, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Aufuldish, Sines and Troy "NAYS": None

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12. RESOLUTION AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICE AGREEMENT BETWEEN THE LAKE COUNTY BOARD OF COMMISSIONERS ON BEHALF OF THE LAKE COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES AND GERALD A. STROM IN AN AMOUNT NOT TO EXCEED \$6,000.00, EFFECTIVE JANUARY 1, 2013 THROUGH DECEMBER 31, 2013 (20121213\JFS01) (JFS-2)

**On a motion** of Commissioner Troy, seconded by Commissioner Aufuldish, the foregoing resolution was adopted with the vote as follows: “AYES”: Commissioners: Aufuldish, Sines and Troy “NAYS”: None

13. RESOLUTION APPROVING LAKE COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES VOUCHERS DATE OF WARRANT DECEMBER 21, 2012, IN THE AMOUNT OF \$375,116.40 (20121213\JFS02) (JFS-14)

**On a motion** of Commissioner Aufuldish, seconded by Commissioner Troy, the foregoing resolution was adopted with the vote as follows: “AYES”: Commissioners: Aufuldish, Sines and Troy “NAYS”: None

14. RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT BETWEEN LEXISNEXIS AND THE LAKE COUNTY BOARD OF COMMISSIONERS ON BEHALF OF THE LAKE COUNTY LAW LIBRARY FOR PRINT SUBSCRIPTIONS, EFFECTIVE JANUARY 1, 2013 THROUGH DECEMBER 31, 2015 (20121213\C01) (CT-19)

**On a motion** of Commissioner Troy, seconded by Commissioner Aufuldish, the foregoing resolution was adopted with the vote as follows: “AYES”: Commissioners: Aufuldish, Sines and Troy “NAYS”: None

15. RESOLUTION ACCEPTING THE RESIGNATION OF DAVID LYLES FROM THE LAKE COUNTY TELECOMMUNICATIONS DEPARTMENT, EFFECTIVE JANUARY 9, 2013 (20121213\C02) (P-404)

**On a motion** of Commissioner Aufuldish, seconded by Commissioner Troy, the foregoing resolution was adopted with the vote as follows: “AYES”: Commissioners: Aufuldish, Sines and Troy “NAYS”: None

16. RESOLUTION APPOINTING CHIEFS TROY HAGER AND RANDY E. ICE TO THE LAKE COUNTY NARCOTICS EXECUTIVE BOARD FOR THREE (3) YEAR TERMS COMMENCING JANUARY 1, 2013 AND ENDING DECEMBER 31, 2015 (20121213\C03) (B-17)

Commissioner Aufuldish: I have been serving on this board for the last three years. Chief Smith is retiring or has not been reappointed by the chiefs, and, Chief Hager from Painesville is going to be taking his place. When I was the Mayor of Wickliffe, I hired Chief Ice to be a patrolman. I believe that these two chiefs will continue to do a good job for the Narcotics' Board.

**On a motion** of Commissioner Troy, seconded by Commissioner Aufuldish, the foregoing resolution was adopted with the vote as follows: “AYES”: Commissioners: Aufuldish, Sines and Troy “NAYS”: None

17. RESOLUTION AUTHORIZING EXECUTION OF A TWENTY FOUR (24) MONTH AGREEMENT FOR LIFE AND ACCIDENTAL DEATH & DISMEMBERMENT INSURANCE FOR LAKE COUNTY OFFICIALS AND EMPLOYEES WITH SUN LIFE FINANCIAL, EFFECTIVE JANUARY 1, 2013 (20121213\C05) (INS)

Bill Margalis, Administrative Director: Good news is that this is one insurance that we continue to see the rate drop. It is a small amount, but over the next two years we will see a savings of about \$10,000. Ten years ago, we were paying \$.30 per \$1,000 and now we are down to \$.12.4.

**On a motion** of Commissioner Troy, seconded by Commissioner Aufuldish, the foregoing resolution was adopted with the vote as follows: “AYES”: Commissioners: Aufuldish, Sines and Troy “NAYS”: None

18. RESOLUTION RECLASSIFYING ROBERT RANDALL FROM THE POSITION OF MAINTENANCE HELPER TO TRADESMAN IN THE LAKE COUNTY BUILDINGS AND GROUNDS DEPARTMENT, EFFECTIVE DECEMBER 17, 2012 (20121213\C06) (P-7)

**On a motion** of Commissioner Troy, seconded by Commissioner Aufuldish, the foregoing resolution was adopted with the vote as follows: “AYES”: Commissioners: Aufuldish, Sines and Troy “NAYS”: None

19. RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT TO PARTICIPATE IN THE PUBLIC WORKS NON-EMERGENCY AND EMERGENCY SHARED SERVICES PROGRAM (20121213\C07) (C-107)

Commissioner Aufuldish: This is a program that Auditor Yost started, and he has picked Lake County as being one of the counties to see if it would work in. One of the concerns that the mayors had in the beginning was that if an employee from one political subdivision was working at another and got hurt or if equipment was damaged. But, this concern has been taken care of. In this agreement it now has a “tort immunity;” political subdivision tort liability law applies to parties of the “Agreement” and to their employees when they are rendering a service outside of the boundaries of their employing political subdivisions under the “Agreement.”

Commissioner Troy: I know that the principal parties that put this together have met with our utilities department, which is primarily where we would be entering any sharing of equipment agreement. The whole purpose of this agreement is to try and look at ways to be more efficient and save the taxpayers money. The basic premise is that everyone has a lot of expensive equipment for road work, excavations, and in a lot of cases the equipment is under utilized. This agreement will not be dealing with snow plowing equipment.

Commissioner Sines: Most of the subdivisions have already signed on to this sharing agreement. And, you can opt out of the contract just about at anytime. There is not a lot of pressure on this idea. Going forward, the cost of specialized equipment is expensive and this may save a few dollars in the future.

**On a motion** of Commissioner Aufuldish, seconded by Commissioner Troy, the foregoing resolution was adopted with the vote as follows: “AYES”: Commissioners: Aufuldish, Sines and Troy “NAYS”: None

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20. RESOLUTION APPROVING PAYMENT OF BILLS AS LISTED ON THE COMMISSIONERS' APPROVAL JOURNAL IN THE AMOUNT OF \$3,122,450.27 (20121213\BC01) (C-4)

**On a motion** of Commissioner Troy, seconded by Commissioner Aufuldish, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Aufuldish, Sines and Troy "NAYS": None

21. RESOLUTION APPROVING PURCHASE ORDERS AS LISTED ON THE COMMISSIONERS' PURCHASE ORDER APPROVAL JOURNAL IN THE AMOUNT OF \$959,067.27 (20121213\BC02) (C-17)

**On a motion** of Commissioner Aufuldish, seconded by Commissioner Troy, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Aufuldish, Sines and Troy "NAYS": None

22. RESOLUTION INCREASING AND DECREASING APPROPRIATIONS FOR VARIOUS NON GENERAL FUND ACCOUNTS (20121213\BC03) (C-111)

**On a motion** of Commissioner Troy, seconded by Commissioner Aufuldish, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Aufuldish, Sines and Troy "NAYS": None

23. RESOLUTION TRANSFERRING CASH AND APPROPRIATIONS WITHIN VARIOUS GENERAL AND NON GENERAL FUND ACCOUNTS (20121213\BC04) (C-111)

**On a motion** of Commissioner Aufuldish, seconded by Commissioner Troy, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Aufuldish, Sines and Troy "NAYS": None

UTILITIES: None

STORMWATER: None

JOB AND FAMILY SERVICES: None

COUNTY ADMINISTRATOR: None

FINANCE: None

CLERK: None

LEGAL: None

OLD BUSINESS: There was no old business.

NEW BUSINESS: Commissioner Aufuldish: I have been Lake County's representative to the Lake Erie Energy Development Corporation for the last two years. We have been meeting once a month at the headquarters in Cleveland, and in August the group went to Washington D.C. before the Department of Energy to try and obtain a grant for continuation of this project. We have no idea how many organizations were interviewed, but yesterday the Department of Energy announced that LEEDCO was awarded \$5 million, which \$4 million is from the Department of Energy and \$1 million is in matching funds. There is no public money involved, it is all private dollars used in this match. 2013 will be a very pivotal year for the LEEDCO Board. There are various guidelines that came with the grant and if all these guidelines are met we can apply for \$10 million each year for the next four years. The total cost of putting nine offshore wind energy turbines seven miles off of the coast of Cleveland is right around \$40 million. There are some 3,000 parts in each wind energy turbine. So, we are looking at a lot of jobs being created in the Northeast Ohio area through this grant. The board is pretty excited about this project and the counties involved are Lorain, Cuyahoga, Lake, Ashtabula and the City of Cleveland.

Commissioner Troy: I attended two conferences last week the National Association of Counties and the CCAO Board of Directors Meeting. The primary topic of discussion at NACO was the fiscal cliff negotiations that are taking place in Washington D.C. Depending on your county and your location in the country, there are different levels of dependence upon federal funding programs. From our perspective we are concerned about community development grant funding, and on the income side what changes may take place in the tax code. The good news is that at this time, the tax deductibility of municipal bonds is off of the table and will continue. Many experts are saying that one of the big topics for 2013 will be comprehensive immigration reform, which is a bigger issue with border states. Jason Boyd, Bill Margalis and myself then attended the CCAO Conference as well as Chuck Klco who is the head of the Ohio Facility Director's Association, an affiliate of CCAO. Of importance is that the 911 fee has been renewed and made permanent from \$.28 to \$.25. And, I did have a conversation with Jim Gills, County Engineer, regarding the Ohio Supreme Court ruling that County Engineer Departments can pay for their cost of insurance and that it is not a responsibility of the County General Fund. Commissioner Gary Lee from Union County will be next year's President. On top of the list for our legislative platform is a call for improved reimbursement funding for indigent defense, which is now 25% state and 75% county, and should be closer to 50-50. Also, we will continue to advocate for more flexibility on the rules and regulations that state government prescribes for county government.

- Jason Boyd, Administrator added that we are seeing a good amount of manufacturing jobs coming back to Ohio.

Commissioner Troy: There will be a meeting of Lake County Land Bank Board on Tuesday, December 18, 2012 at 3 pm on the 5<sup>th</sup> Floor.

PUBLIC COMMENT: Dave Radachy, Lake County Planning & Community Development: I just want to revise some of my comments from the Public Hearing for the record that South Linda Lane was recorded in 1958. Currently, nothing has been submitted to the Planning Commission since Moore's Landing, which was submitted in the early part of 2000, and that subdivision has been recorded.

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John Muzik, Painesville Township asked if the projected jobs regarding the wind energy project will be offered to local citizens?

Commissioner Aufuldish: There are three commissioners sitting on that board from Lorain, Ashtabula and myself. Believe me, we continually stress that is one of our major philosophies and ideas.

EXECUTIVE SESSION: On a motion of Commissioner Troy, seconded by Commissioner Aufuldish, the Board convened an Executive Session at 10:45am to discuss pending litigation, real estate, and compensation matters, with the vote as follows: "AYES": Commissioners: Aufuldish, Sines and Troy "NAYS": None

The Lake County Board of Commissioners recessed Executive Session at 10:45 am.  
The Lake County Board of Commissioners reconvened Executive Session at 10:50 am.

On a motion of Commissioner Troy, seconded by Commissioner Aufuldish, the Board terminated the Executive Session at 11:37 am, with the vote as follows:  
"AYES": Commissioners: Aufuldish, Sines and Troy "NAYS": None

ADJOURN: On a motion of Commissioner Troy, seconded by Commissioner Aufuldish, the Board adjourned the meeting at 11:38 am, with the vote as follows:  
"AYES": Commissioners: Aufuldish, Sines and Troy "NAYS": None

Minutes approved this 10<sup>th</sup> day of January, 2013.

**BOARD OF LAKE COUNTY COMMISSIONERS**

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RAYMOND E. SINES, PRESIDENT

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DANIEL P. TROY, COMMISSIONER

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ROBERT E. AUFULDISH, COMMISSIONER

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AMY ELSZASZ, CLERK